

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1124-PWS-E **TCEQ ID:** RN101454627 **CASE NO.:** 34168
RESPONDENT NAME: Matagorda Waste Disposal and Water Supply Corporation

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Matagorda WSC, 562 Fisher Street, Matagorda, Matagorda County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: ☒ Yes ☐ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 21, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, R-13, (210) 403-4012; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. J.W. Faltisek, President, Matagorda Waste Disposal and Water Supply Corporation, 562 Fisher Street, Matagorda, Texas 77457
 Ms. Carolyn Kain, Office Manager, Matagorda Waste Disposal and Water Supply Corporation, 562 Fisher Street, Matagorda, Texas 77457
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 19, 2007</p> <p>Date of NOV/NOE Relating to this Case: October 20, 2005, January 12, 2006, April 19, 2006, November 8, 2006 and January 30, 2007 (NOVs) and May 21, 2007 (NOE)</p> <p>Background Facts: This was a routine records review investigation.</p> <p>WATER</p> <p>The Respondent exceeded the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average, during the third and fourth quarters of 2005 and the first, third, and fourth quarters of 2006. Specifically, the running annual average for TTHM was reported to be 0.083 mg/L for the third quarter of 2005, 0.082 mg/L for the fourth quarter of 2005, 0.081 mg/L for the first quarter of 2006, 0.086 mg/L for the third quarter of 2006, and 0.083 mg/L for the fourth quarter of 2006 [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>	<p>Total Assessed: \$780</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$780</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification:</p> <p>Five repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 365 days after the effective date of this Agreed Order, the Respondent shall return to compliance with the running annual average MCL of 0.080 mg/L for TTHM; and</p> <p>b. Within 380 days after the effective date of this Agreed Order, the Respondent shall submit written certification, including photographs, receipts, or other information to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): PWS ID No. 1610013



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	18-Jun-2007	Screening	7-Jul-2007	EPA Due	31-Aug-2006
	PCW	11-Jul-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Matagorda Waste Disposal and Water Supply Corporation		
Reg. Ent. Ref. No.	RN101454627		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34168	No. of Violations	1
Docket No.	2007-1124-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 31% Enhancement Subtotals 2, 3, & 7 \$155

Notes: The compliance history enhancement is due to five prior Notices of Violation ("NOVs") containing violations that are the same as the violations in the current enforcement action and for three prior NOVs containing dissimilar violations.

Culpability Yes 25% Enhancement Subtotal 4 \$125

Notes: Alert letters were issued to the water supply on August 2, 2004, February 2, 2005, March 23, 2005, July 11, 2005, and July 10, 2006, stating that further total trihalomethane ("TTHM") exceedances would result in a violation.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Sum of Subtotals 1-7 0% Enhancement* Subtotal 6 \$0
 Total EB Amounts \$688
 Approx. Cost of Compliance \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$780

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount \$780

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$780

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

Adjustment \$0

PAYABLE PENALTY

\$780

Screening Date 7-Jul-2007

Docket No. 2007-1124-PWS-E

PCW

Respondent Matagorda Waste Disposal and Water Supply Corporatic

Policy Revision 2 (September 2002)

Case ID No. 34168

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101454627

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 31%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The compliance history enhancement is due to five prior Notices of Violation ("NOVs") containing violations that are the same as the violations in the current enforcement action and for three prior NOVs containing dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 31%

Screening Date 7-Jul-2007		Docket No. 2007-1124-PWS-E		PCW		
Respondent Matagorda Waste Disposal and Water Supply Corporation				<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 34168				<i>PCW Revision June 26, 2007</i>		
Reg. Ent. Reference No. RN101454627						
Media [Statute] Public Water Supply						
Enf. Coordinator Rebecca Clausewitz						
Violation Number		<input type="text" value="1"/>				
Rule Cite(s)		30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)				
Violation Description		<p>Exceeded the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for TTHM, based on a running annual average, during the third and fourth quarters of 2005 and the first, third, and fourth quarters of 2006. Specifically, the running annual average for TTHM was reported to be 0.083 mg/L for the third quarter of 2005, 0.082 mg/L for the fourth quarter of 2005, 0.081 mg/L for the first quarter of 2006, 0.086 mg/L for the third quarter of 2006, and 0.083 mg/L for the fourth quarter of 2006.</p>				
Base Penalty					<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<input type="text" value=""/>	X	<input type="text" value=""/>		
	Potential	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>	Percent	<input type="text" value="25%"/>
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>	Percent	<input type="text" value="0%"/>
Matrix Notes		<p>The exceedances have resulted in customers of the water supply being exposed to significant amounts of TTHM, which do not exceed levels that are protective of human health.</p>				
Adjustment					<input type="text" value="\$750"/>	
					<input type="text" value="\$250"/>	
Violation Events						
Number of Violation Events		<input type="text" value="2"/>	<input type="text" value="549"/>		Number of violation days	
mark only one with an x	daily	<input type="text" value=""/>				
	monthly	<input type="text" value=""/>				
	quarterly	<input type="text" value=""/>				
	semiannual	<input type="text" value=""/>				
	annual	X				
	single event	<input type="text" value=""/>				
<p>Two annual events are recommended.</p>						
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$688"/>	Violation Final Penalty Total		<input type="text" value="\$780"/>	
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$780"/>	

Economic Benefit Worksheet

Respondent Matagorda Waste Disposal and Water Supply Corporation
Case ID No. 34168
Reg. Ent. Reference No. RN101454627
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Jul-2005	31-Mar-2008	2.8	\$688	n/a	\$688

Notes for DELAYED costs

The delayed cost includes the amount to implement an alternate disinfection method to reduce or eliminate the TTHM levels, calculated from the beginning of the third quarter of 2005 to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$5,000

TOTAL

\$688

Compliance History

Customer/Respondent/Owner-Operator: CN600623672 Matagorda Waste Disposal and Water Supply Corporation Classification: Rating:

Regulated Entity: RN101454627 MATAGORDA WSC Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1610013
WATER LICENSING LICENSE 1610013

Location: 562 Fisher Street, Matagorda, Matagorda County

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 09, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 09, 2002 to July 09, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A

B. Any criminal convictions of the state of Texas and the federal government.
N/A

C. Chronic excessive emissions events.
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	09/13/2004	(333440)
2	02/01/2005	(340831)
3	10/20/2005	(560889)
4	01/12/2006	(561899)
5	04/19/2006	(561904)
6	08/25/2006	(489639)
7	11/08/2006	(561917)
8	12/15/2006	(533764)
9	01/30/2007	(561924)
10	03/30/2007	(554759)
11	06/13/2007	(563222)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

1	Date: 09/13/2004	(333440)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)[G]		
	Description:	Failure to provide adequate backflow device in distribution.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(2)		
	Description:	Failure to provide a hatch on the GST that overhangs by at least 2 inches.		

2 Date: 10/20/2005 (560889)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for total trihalomethanes ("TTHM") during the third quarter of 2005.

3 Date: 01/12/2006 (561899)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for total trihalomethanes ("TTHM") during the fourth quarter of 2005.

4 Date: 04/19/2006 (561904)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for total trihalomethanes (TTHM) during the first quarter of 2006.

5 Date: 08/29/2006 (489639)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: Operating Practices for Public Water Systems
Failure by the community system to post a legible sign at the Wells #1 and #2 site of its production, treatment, and storage facilities.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)
Description: Disinfection
Failure to provide a full-face self-contained breathing apparatus or supplied air respirator that meets OSHA standards for construction and operation which must be located outside the chlorination room in an accessible location.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
Description: Design and Construction of Pressure Tanks
Failure to provide the pressure tank with facilities for maintaining the air-water volume at the design water level and working pressure.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to have pressure tanks provided with an inspection port have the interior surface inspected every five years.

6 Date: 11/08/2006 (561917)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for total trihalomethanes (TTHM) during the third quarter of 2006.

7 Date: 12/12/2006 (533764)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)
Description: Disinfection
Failure to provide a full-face self-contained breathing apparatus or supplied air respirator that meets OSHA standards for construction and operation which must be located outside the chlorination room in an accessible location.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
Description: Design and Construction of Pressure Tanks
Failure to provide the pressure tank with facilities for maintaining the air-water

volume at the design water level and working pressure.

8 Date: 01/30/2007 (561924)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for total trihalomethanes (TTHM) during
the fourth quarter of 2006.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING**

**MATAGORDA WASTE DISPOSAL AND
WATER SUPPLY CORPORATION
RN101454627**

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1124-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Matagorda Waste Disposal and Water Supply Corporation ("Matagorda WSC") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Matagorda WSC presented this agreement to the Commission.

Matagorda WSC understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Matagorda WSC agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Matagorda WSC.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Matagorda WSC owns and operates a public water supply at 562 Fisher Street in Matagorda, Matagorda County, Texas (the "Facility") that has approximately 417 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on May 19, 2007, TCEQ staff documented that Matagorda WSC violated the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") during the third and fourth quarter of 2005, and the first, third, and fourth quarters of 2006. Specifically, the running annual average for TTHM was

reported to be 0.083 mg/L for the third quarter of 2005, 0.082 mg/L for the fourth quarter of 2005, 0.081 mg/L for the first quarter of 2006, 0.086 mg/L for the third quarter of 2006, and 0.083 mg/L for the fourth quarter of 2006.

3. Matagorda WSC received notices of the violations dated October 20, 2005, January 12, 2006, April 19, 2006, November 8, 2006, January 30, 2007, and May 21, 2007.

II. CONCLUSIONS OF LAW

1. Matagorda WSC is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, Matagorda WSC exceeded the MCL of 0.080 mg/L for TTHM, based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Matagorda WSC for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Seven Hundred Eighty Dollars (\$780) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Matagorda WSC has paid the Seven Hundred Eighty Dollar (\$780) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Matagorda WSC is assessed an administrative penalty in the amount of Seven Hundred Eighty Dollars (\$780) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Matagorda WSC's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Matagorda Waste Disposal and Water Supply Corporation, Docket No. 2007-1124-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Matagorda WSC shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Agreed Order, Matagorda WSC shall return to compliance with the running annual average MCL of 0.080 mg/L for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113.
 - b. Within 380 days after the effective date of this Agreed Order, Matagorda WSC shall submit written certification, including photographs, receipts, or other information to demonstrate compliance with Ordering Provision 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Disinfectant By-Products Coordinator
Public Drinking Water Section, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon Matagorda WSC. Matagorda WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Matagorda WSC shall be made in writing to the Executive Director. Extensions are not effective until Matagorda WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Matagorda WSC if the Executive Director determines that Matagorda WSC has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Matagorda WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Sullivan
For the Executive Director

1/11/08
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Matagorda Waste Disposal and Water Supply Corporation. I am authorized to agree to the attached Agreed Order on behalf of Matagorda Waste Disposal and Water Supply Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Matagorda Waste Disposal and Water Supply Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Carolyn Kain
Signature

8/28/07
Date

CAROLYN KAIN
Name (Printed or typed)
Authorized Representative of
Matagorda Waste Disposal and Water Supply Corporation

OFFICE MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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